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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097013,930	01/27/98	BELANGER	011495-03172

QM11/0330
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EXAMINER
OJINI, E

ART UNIT	PAPER NUMBER
3725	9

DATE MAILED: 03/30/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/013,930

Applicant(s)
Belanger

Examiner
Anthony Ojini

Group Art Unit
3725



☒ Responsive to communication(s) filed on Jan 27, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) 3, 6, 14-17, and 21 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, 4, 5, 7-13, and 18-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Applicant's election of species I illustrated in figures 1-3 in Paper No. 9 is acknowledged.

Applicant states that claims 1-14 and 17-21 are generic and read on the elected species.

However, claims 3, 6, 10, 14-17 and 21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention.

Claims 3, 17 and 21 are not readable because the elected species illustrated in figures 1-3, does not disclose a a hold down device on said cutting cylinder.

Claim 6 is not readable because the elected species illustrated in figures 1-3, 13 and 14 does not disclose a spring.

Claim 10 is not readable because the claim limitation reads clearly on figure 5.

Claim Rejections - 35 U.S.C. § 102


The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 8 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Goss et al.



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With respect to claims 1 and 2, Goss et al. disclose a cutting and folding machine comprising a folding cylinder (64) having a surface; a cutting cylinder (60) having plurality of knives (62); and at least one gripping element (68,69, 80) attached on the cylinder.

With respect to claim 4, Goss et al. disclose the gripping elements adopts an engaged position and disengaged position (see page 2, lines 14-16 & 85-92).

With respect to claim 5, Goss et al. disclose a plurality of folding blades having gripping pins for retaining the web on the surface of the folding cylinder that are actuated by a cam arrangement (see page 2, lines 24-31).

With respect to claim 7, Goss et al. disclose the gripping elements (68, 69) engages the front portion of next web by superimposed motion of a lever (see fig. 1).

With respect to claim 8, Goss et al. disclose the lever moves about the pivot axis (see fig. 1).

With respect to claim 20, Goss et al. disclose a method of cutting web material that includes the following steps: rotating folding cylinder (64) about an axis of rotation; cooperatively rotating a cutting cylinder (60) having knife assemblies (62) mounted thereon with the folding cylinder; and moving at least one gripping element attached to the folding cylinder for engaging leading edge of a respective next web after a cutting operation (see fig. 1).

Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordhoy

With respect to claims 18 and 19, Jordhoy discloses folding machine comprising at least one fold roller (see fig. 1); a folding cylinder (2) having a surface supporting an incoming material; a

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cutting cylinder (64) having plurality of knives (see fig 1); and engageable product seizing elements (57) attached on the folding cylinder .

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al.

Goss et al. fail to disclose the cutting and folding machine has an access window that extends within a range of 10 to 15 degree over a cylinder revolution.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the machine of Goss et al. with an access window that extends within a range of 10 to 15 degree over a cylinder revolution, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller, 105 USPQ 233.*

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Claims 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al in view of Seymour.

With respect to claim 9, Goss et al. fail to disclose a second lever that moves about a second pivot axis.

Seymour discloses a second lever (23) that moves about a second pivot axis located at a shaft 11 in figure 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the machine of Goss et al. with a second lever that moves about a second pivot axis in view of Seymour so as to ensure the gripper elements firmly retain the web on the surface of the folding cylinder.

With respect to claims 11 and 12, Goss et al. to disclose a first movement about the second pivot axis is effected by a first cam follower; and a second movement about the second pivot axis is effected by a second cam follower.

Seymour discloses a first movement about the second pivot axis is effected by a first cam follower (39); and a second movement about the second pivot axis is effected by a second cam follower see fig 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the machine of Goss et al. with a pair of cam followers wherein first movement about the second pivot axis is effected by a first cam follower and a second movement about the

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second pivot axis is effected by a second cam follower in view of Seymour so as to ensure the web is pass off at about a tangent to the gripper cylinder without superfluous bends.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fallo and Nystrand disclose a folding apparatus having gripper elements being actuated by a spring and cam. Bullen et al discloses method and apparatus for folding newspaper. Lamatsch discloses apparatus for printing machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Ojini whose telephone number is (703) 305 3768.



Joseph J. Hall, III
Supervisory Patent Examiner
Group 3700

ao

March 16, 1999

